



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/298,691 08/31/94 KISH

F 10926236

MYNTEL EXAMINER

BSM1/0613

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ART UNIT PAPER NUMBER

2508

DATE MAILED: 06/13/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☒ Responsive to communication filed on 4/28/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/>   |

Part II SUMMARY OF ACTION

1. ☒ Claims 14-21 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☒ Claims 1-13, 22-37 have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 14-21 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit: 2508

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 14-21 are rejected under 35 U.S.C. § 103 as being unpatentable over Fletcher in view of Jokerst et al., *both of record*.

Fletcher in Fig. 3 discloses an LED with transparent GaP substrate 35 but lacks explicit disclosure of wafer bonding. Jokerst teaches using wafer bonding techniques in integrated light emitting devices to improve semiconductor crystal quality in the resulting structure. In re claim 1, because of Jokerst it would have been obvious to wafer bond substrate 35 to layers 32, 33, 34 in order to improve crystal quality. In re claim 2, layers 32, 33, and 34 are epitaxial layers. In re claims 16 and 21, GaP layer or substrate 36 would also be a candidate for wafer bonding to one of ordinary skill. In re claim 20, layer 33 is an active layer. In re claim 17, the Fig. 3 device is an LED. In

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re claim 19, Fletcher gives examples of thick substrates. In re claim 18, Fletcher has a conductive connection.

Applicant's arguments filed April 28, 1995 have been fully considered but they are not deemed to be persuasive.

Applicant relies heavily on the argument that adding "being mechanically robust" to the claims now defines over Fletcher. The Examiner responds that this phrase is indefinite and adds no content to the claims. For example, the term, "robust" is purely qualitative. There are no well defined upper and lower limits to this term so that one of ordinary skill would know when the layers are robust and are the claimed layers.

Claims 14-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14, line 8, "robust", is indefinite as noted above. Claims 15-21 are rejected as per claim 14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Mintel whose telephone number is (703) 308-4916.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Mintel/lr

June 10, 1995

*William Mintel*

**WILLIAM MINTEL  
PRIMARY EXAMINER  
GROUP A1 258**